

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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COUNTRY JOE STEVENS,

Plaintiff,

v.

ALYSON JUNGEN; et al.,

Defendants.

3:11-cv-00558-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#74¹) entered on February 4, 2014, recommending granting in part and denying in part defendants Corzine's and Rexwinkel's Motion for Summary Judgment (#48) filed on January 14, 2013, and denying defendant Rexwinkel's second Motion for Summary Judgment (#68) filed on September 26, 2013. Plaintiff filed his Non-Opposition to Report and Recommendation of U.S. Magistrate Judge (#75) on February 7, 2014. Defendants have not filed a response. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the non opposition of Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate

¹Refers to court's docket number.

1 Judge's Report and Recommendation (#74) entered on February 4, 2014, should be adopted and
2 accepted.

3 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#74)
4 entered on February 4, 2014, is adopted and accepted, and defendants Corzine's and Rexwinkel's
5 Motion for Summary Judgment (#48) is **GRANTED in part and DENIED in part** as follows:

6 (1) Defendants' request to dismiss defendant Rexwinkel for lack of personal participation is
7 DENIED;

8 (2) Defendant Corzine's Motion for Summary Judgment is GRANTED as to Plaintiff's First
9 Amendment retaliation claims;

10 (3) Defendant Corzine's Motion for Summary Judgment is GRANTED as to Plaintiff's Eighth
11 Amendment deliberate indifference claim; and

12 (4) Defendant Corzine's Motion for Summary Judgment is GRANTED as to Plaintiff's
13 Fourteenth Amendment equal protection claim.

14 IT IS FURTHER ORDERED that defendant Rexwinkel's second Motion for Summary
15 Judgment (#68) is DENIED.

16 IT IS FURTHER ORDERED that this case is referred to the Honorable Valerie P. Cooke for
17 the purpose of conducting a settlement conference.

18 IT IS FURTHER ORDERED that, if settlement is unsuccessful, the remaining parties shall
19 submit their proposed joint pretrial order pursuant to Local Court Rules 16-3 and 16-4 within forty-five
20 (45) days of the unsuccessful settlement conference.

21 IT IS SO ORDERED.

22 DATED this 6th day of March, 2014.

23
24 
25 LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE